

BOARD OF APPEALS CASE NO. 4881

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BEFORE THE

APPLICANT: Douglas K. Schulte

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ZONING HEARING EXAMINER

**REQUEST: Variance to construct an
attached garage within the required
setbacks; 1327 Gates Head Drive, Bel Air**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 12/9/98 & 12/16/98

HEARING DATE: February 10, 1999

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Record: 12/11/98 & 12/18/98

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Douglas Schulte, appeared before the Hearing Examiner requesting a variance to Section 267-36(B)(5) of the Harford County Code, to construct an attached garage within the required 10 foot and total of 30 foot side yard setback in an R2 District.

The subject parcel is located at 1327 Gates Head Drive in the Third Election District. The parcel is identified as Parcel No. 436, in Grid 1-E, on Tax Map 48. The parcel contains .24 acres, more or less, all of which is zoned R2.

Mr. Douglas Schulte appeared and testified that he is requesting a variance to construct an attached garage with dimensions of 18 feet by 28 feet. The witness said that the garage will be 7 feet from the property line and that he will maintain a total of both side yard setbacks of 22 feet. The Applicant said the subject parcel is unique because of its unusual shape, exceptional narrowness and that he did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because none of his neighbors appeared and testified in opposition to the request.

The Staff Report of the Department of Planning and Zoning did not make a recommendation but suggested conditions if the variance is approved.

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CONCLUSION:

The Applicant is requesting a variance to Section 267-36(B), Table V, of the Harford County Code, to permit an attached garage 7 feet from the side property line and a variance to the required 30 foot total of both side yards for a 22 foot total of both side yards.

The uncontradicted testimony of the Applicant is that the subject property is unique because of its unusual shape and exceptional narrowness. No evidence was introduced that the approval of the variance will be substantially detrimental to adjacent properties or materially impair the purpose of the Code because none of the Applicant's neighbors appeared in opposition to the request.

Therefore, it is recommendation of the Hearing Examiner that the requested variance to reduce the side yard to 7 feet and total of both side yards to 22 feet is hereby recommended, subject to the following conditions:

1. The Applicant obtain all necessary permits and inspections.
2. The garage shall not be used in the furtherance of a business.
3. The garage shall not be used for the storage of contractors' equipment.

Date FEBRUARY 24, 1999

L. A. Hinderhofer
Zoning Hearing Examiner